



10-21-02

# 17 DAL #  
Docket No. CISCO-0609

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Chu et al.  
SERIAL NO.: 09/225,262  
FILING DATE: January 4, 1999  
TITLE: FACILITY TO TRANSMIT NETWORK MANAGEMENT  
DATA TO AN UMBRELLA MANAGEMENT SYSTEM  
EXAMINER: P. Winder  
ART UNIT: 2155

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail EL839721941US an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date printed below:

Date: 10-18-02

Name: Ruth Rodriguez  
Ruth Rodriguez

ATTENTION: OFFICE OF PETITIONS  
ASSISTANT COMMISSIONER FOR PATENTS  
BOX DAC  
WASHINGTON, D.C. 20231

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OCT 22 2007

OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

The above-identified application became abandoned for failure to file a timely and proper reply to the final Office Action mailed on June 12, 2001, which set a three-month period for reply. A response to the final Office Action was filed on December 3, 2001, which failed to place the application in condition for allowance. The abandonment date of this application is January 2, 2002.

Applicant hereby petitions for revival of this application pursuant to 37

C.F.R. §1.137(b). Enclosed herewith are the following items:

10/22/2002 BNGUYEN1 00000038 09225262

01 FC:1453

1280.00 OP

(1) The petition fee of \$1,280.00 (37 C.F.R. §1.17(m)).

(2) Reply to the above-noted Office Action in the form of a Continued Prosecution Application (CPA).

(3) Amendment and Response to Final Office Action responding to the above-noted Office Action accompanying the CPA.

### **STATEMENT**


The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 C.F.R. §1.137(b) was unintentional. A telephone conference from Examiner Winder on September 25, 2002 informed us that the application was considered abandoned and that an advisory action was mailed on January 18, 2002. However, the advisory action was not received by our office.

Authorization to Charge/Credit to Deposit Account

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698. A duplicate copy of this page is enclosed.

Dated: October 18, 2002

Respectfully submitted,  
THELEN REID & PRIEST LLP

  
\_\_\_\_\_  
David B. Ritchie  
Reg. No. 35,562

THELEN REID & PRIEST LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
(408) 292-5800



# 19

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable

☐ DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

<b>Address to:</b>  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	CISCO-0609
	First Named Inventor	Jie Chu, et al.
	Examiner Name	Patrice L. Winder
	Group / Art Unit	2155
	Express Mail Label No.	EL839721941 US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 09/225,262

filed on 01/04/99, entitled Facility to Transmit Network Management Data to an Umbrella Mangement System.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
  

10/22/2002 BNGUYEN1 00000038 09225262
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

02 FC:1006  
03 FC:1202  
04 FC:1201

749.00 OP  
324.00 OP  
672.00 OP

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

SV #117027 v1

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	38-20* =	18	x \$18.00=	\$ 324.00
	INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i))	11-3** =	8	x \$84.00=	672.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$ _____ =	
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	1736.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent.				
	** Reissue independent claims over original patent.			TOTAL =	1736.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50 - 1698 :
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☒ A check in the amount of \$ 1736.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(l) enclosed).
11. ☐ New Attorney Docket Number, if desired  
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Non-Publication Request

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OCT 22 2002

OFFICE OF PETITIONS

**NOTE:**

The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.

**12. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Name

David B. Ritchie

Address

Thelen Reid &amp; Priest LLP

P.O. Box 640640

City

San Jose

State

CA

Zip Code

95164-0640

Country

USA

Telephone

408-292-5800

Fax

408-287-8040

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)

~~Adrienne Young~~

David B. Ritchie

Signature

Registration No. (Attorney/Agent)

~~44,000~~ 31,562

Date

10/18/2002



#20

PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Jie Chu, et al

Title

Facility to Transmit Network Management Data to an  
Umbrella Management System

Atty Docket Number

CISCO-0609

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

10/18/02  
Date

  
Signature

DAVID B. RITCHIE, REG. NO. 21,562  
Adreinne Yeung Reg. No. 44,000

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 3016

**Complete if Known**

Application Number	09/225,262
Filing Date	01/04/99
First Named Inventor	Jie Chu, et al.
Examiner Name	Patrice L. Winder
Group / Art Unit	2155
Attorney Docket No.	CISCO-0609

**METHOD OF PAYMENT (check all that apply)**
☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☐ Deposit Account:
 Deposit Account Number  
 Thelen Reid & Priest  
 P.O. BOX 640640  
 San Jose, CA 95164-0640

 Deposit Account Name  
 50-1698

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ ) 0

**2. EXTRA CLAIM FEES**

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims	38	-20 **	18	324
Independent Claims	11	-3 **	8	672
Multiple Dependent				0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ ) 996

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	1280
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
BI	740	279	370	<b>Filing Fee CPA</b>	740
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ ) 2020

**SUBMITTED BY**

DAVID B. RICHME

**Complete (if applicable)**

Name (Print/Type)	Adrienne Young	Registration No. Attorney/Agent)	44,000	Telephone	408-292-5800
Signature				Date	October 18, 2002

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